

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JUNE NANETTE MASSEY**

**PLAINTIFF**

**V.**

**NO. 3:14CV00276-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ON PETITION FOR ATTORNEY'S FEES**

Before the Court is Plaintiff's petition [22] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Judgment [20] dated September 24, 2015, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks an award of attorney's fees in the amount of \$5,827.50, representing 33.3 hours of attorney work at a rate of \$175.00 per hour. Plaintiff also requests reimbursement for a mileage expense of \$184.00, which represents 320 miles at a rate of \$0.575 per mile. Plaintiff further requests \$32.72 in costs, which represents copying charges for 409 pages at \$0.08 per page.

While the Commissioner did not initially oppose any of the amounts requested by Plaintiff, she now asserts that an award of costs is prohibited in an *in forma pauperis* case, such as this, pursuant to 28 U.S.C. § 1915(f)(1). Plaintiff did not offer any argument or legal authority contradicting the Commissioner's position.<sup>1</sup> Accordingly, the Court agrees with the

---

<sup>1</sup>By email notification to counsel for the parties on November 6, 2015, the undersigned requested supplemental briefing by November 13, 2015, on the limited issue of the propriety of an award of copying costs in this *in forma pauperis* case in view of the prohibition stated in 28 U.S.C. 1915(f)(1). Subsection (f)(1) of Section 1915 provides in pertinent part:

Commissioner that copying costs may not be awarded in this case. *See Sandoval v. Apfel*, 86 F. Supp. 2d 601, 611-614 (N.D. Tex. 2000) (finding photocopying costs are not recoverable against the United States in *in forma pauperis* cases pursuant to 28 U.S.C. 1915(f)(1)). The Court finds, however, that the amount of attorney's fees requested, \$5,827.50, along with the mileage expense of \$184.00, is reasonable and should be awarded to Plaintiff for the benefit of her counsel.

**THEREFORE, IT IS ORDERED:**

That the Commissioner shall promptly pay Plaintiff a total of \$5,827.50 in attorney's fees and \$184.00 in expenses for the benefit of her counsel.

This 17th day of November, 2015.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE

---

(f)(1) Judgment may be rendered for costs at the conclusion of the suit or action as in other proceedings, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States.